



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,359	07/19/2006	Jari Rasanen	0696-0227PUS1	8787

2292 7590 03/18/2008
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

NEWAY, BLAINE GIRMA

ART UNIT	PAPER NUMBER
----------	--------------

4133

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

03/18/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 10/563,359	Applicant(s) RASANEN ET AL.	
	Examiner BLAINE G. NEWAY	Art Unit 4133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) 1-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/4/06 and 4/4/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in response to application filed on July 19, 2006, in which claims 1-17 are presented for examination.

Status of Claims

Claims 1-17 are pending of which claim 1 is in independent form.

Claim Objections

Claims 1-17 are objected to because of the following informalities:
Reference numerals should not be used as a substitute for clear recitation of structural features. The Examiner suggests that the reference numerals be deleted to avoid confusion.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 4, 14 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 4133

Claim 4 recites the term "or like" in line 3. It is unclear what structure is encompassed by the limitation "or like".

Claim 14 recites the limitation "at which a blister in the disc is left under the rim" in lines 2-3. It is unclear what structural configuration is being claimed by this limitation.

Claim 15 recites the limitation "the tongue" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2, 4, 7-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Tump (US 4,915,256).

Regarding claim 1, Tump discloses an encapsulated blister package having a flat outer casing (6) open at least from one side, and an at least partly

Art Unit: 4133

extractable inner part (that is available, obtainable or removable by opening the casing) having a disc formed as a blister package fitted rotatably onto a base (4), which has an outlet opening (24) below the disc so that products (12) brought to the opening by rotating the disc can be released from the disc by pressing the respective blister (11) and removed from the package through opening (24) (See marked up figure 1).

Regarding claim 2, Tump further discloses the casing (6) and/or the inner part is provided with a retainer, preventing the inner part from becoming loose from the casing (See marked up figure 1).

Regarding claim 4, as best understood in light of the rejection under 35 U.S.C. 112, second paragraph made in this action, Tump further discloses the disc containing individual products (12) arranged to form an arc of a circle or a ring so that they can be brought to the outlet opening (24) one at a time by rotating the disc (See marked up figure 1).

Regarding claim 7, Tump discloses the base being provided with a longitudinal outlet opening (24) extending in the direction of the radius of the disc (See marked up figure 1).

Art Unit: 4133

Regarding claim 8, Tump further discloses the disc and or the base (4) containing a ratchet hindrance (28) which allows the disc to rotate to one direction only (Column 4, lines 30-33).

Regarding claim 9, Tump discloses the disc having a sector which is free of packed products and that in an unopened package the sector is located at or near the outlet opening (24) in the base (See marked up figure 1).

Regarding claim 10, Tump further discloses the disc articulated onto the base (4) from its middle section (22) (See marked up figure 1).

Regarding claim 11, Tump further discloses the extractable inner part having a base(4) and a projection extending from its side above the disc for keeping the disc in place on the base in an assembled configuration (See marked up figure 1).

Regarding claim 12, Tump further discloses the disc resting freely on the base (4) so that it can be rotated by fingers (Column 4, lines 61-63).

Regarding claim 13, Tump further discloses the projection being formed as an annular rim encircling the circumference of the disc (See marked up figure 1).

Art Unit: 4133

Regarding claim 14, as best understood in light of the rejection under 35 U.S.C. 112, second paragraph made in this action, Tump further discloses the projection or rim having a tongue extending towards the center of the disc at which a blister in the disc is left under the rim (See marked up figure 1).

Regarding claim 15, as best understood in light of the rejection under 35 U.S.C. 112, second paragraph made in this action, Tump further discloses the projection or the rim having a tongue and at least one fin beside (or "near") the tongue directed down towards the disk (Column 4, lines 13-17), turning to one direction only so that in cooperation with a blister it allows the disc to rotate to one direction only i.e. vertically restrained (Column 4, lines 13-17).

Regarding claim 16, Tump further discloses a tablet dispensing package made of flat sheets or panels or "packaging board" (See marked up figure 1).

Regarding claim 17, Tump further discloses a device for dispensing solid medicine in the form of pills or tablets i.e. a medicine package containing tablets, capsules or pills (Column 1, lines 1-3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

Art Unit: 4133

be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tump (US 4,915,256) in view of Allison et al (US 2,971,638) or Allison herein .

Tump discloses the disc consisting of a bottom made of frangible membrane i.e. flexible material such as foil paper (column 4, lines 5-7) which breaks when the product is released by pressing and a blister sheet of flexible (i.e. collapsible) material. Tump fails to disclose that the flexible material of the blister sheet is a flexible plastic.

Allison teaches a plastic material for a blister sheet (Column 2, lines 24-27). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have constructed the bottom of the Tump device of a flexible plastic, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

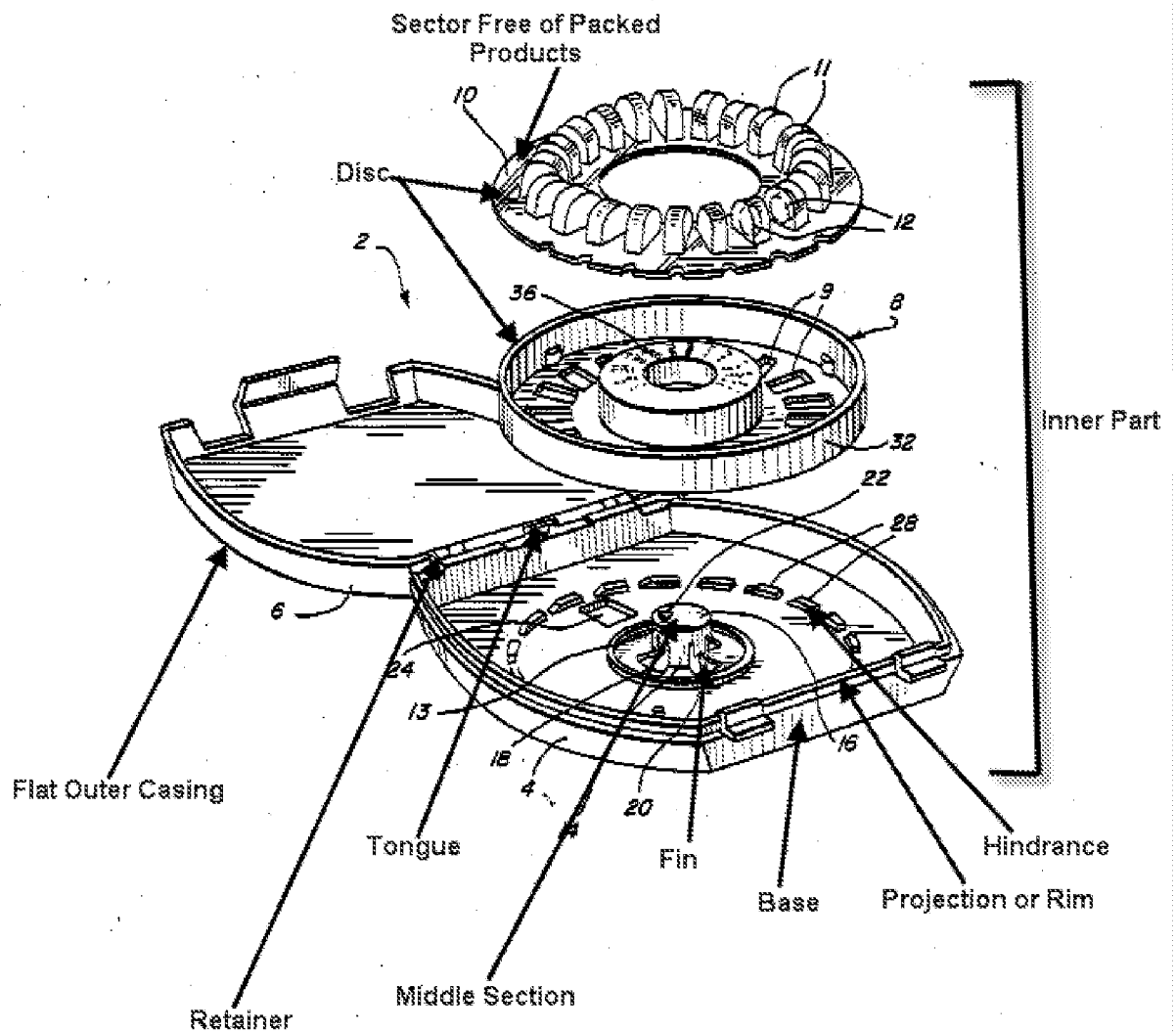
3. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tump (US 4,915,256) in view of Ruoss et al (US 3,199,489)

Regarding claims 5 and 6, Tump discloses all elements of the claimed invention except for the products being arranged as several concentric arcs or rings or a spiral in the disc.

Art Unit: 4133

Ruoss et al. teach products arranged as several concentric arcs or rings or a spiral in the disc (Column 1 lines 15-21). A person of ordinary skill in the art has good reason to pursue the known options within his or her technical grasp, namely, arranging the products as concentric arcs or rings or spirals, since Ruoss et al. clearly disclose a finite number of arrangements of products on a disc.

Figure 1



Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Walter G. Berghan (US 4,298,125)

M.D. Hartman (US 3,483, 845).

J.W. Ballard (US 3,303,927)

Thomas K. Kelly (US 4,817,819)

Paul Starkermann (US 3,833,143)

Larry C. Sledge (US 5,275,291)

Michael G. Maietta (US 2005/0115862) all relate to blister packages.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLAINE G. NEWAY whose telephone number is (571)270-5275. The examiner can normally be reached on M-F 7:30 AM- 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Coby can be reached on 571 272 4017. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4133

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blaine G Neway/
Examiner, Art Unit 4138

2/29/2008
/Frantz Coby/
Supervisory Patent Examiner
Art Unit 4133